

1 Ramon Rossi Lopez (admitted *pro hac vice*)
2 (CA Bar No. 86361)
3 LOPEZ McHUGH LLP
4 100 Bayview Circle, Suite 5600
5 Newport Beach, CA 92660
6 rlopez@lopezmchugh.com

7 Mark S. O'Connor (011029)
8 BEUS GILBERT PLLC
9 701 N 44th Street
10 Phoenix, AZ 85008
11 Telephone: 480.429-3019
12 moconnor@beusgilbert.com

13 *Attorneys for Plaintiffs*

14 James R. Condo (#005867)
15 Kristine L. Gallardo (033975)
16 SNELL & WILMER L.L.P.
17 One Arizona Center
18 400 E. Van Buren, Suite 1900
19 Phoenix, AZ 85004-2202
20 Telephone: 602.382.6000
21 Facsimile: 602.382.6070
22 jcondo@swlaw.com
23 kgallardo@swlaw.com

24 Richard B. North, Jr. (admitted *pro hac vice*)
25 Georgia Bar No. 545599
26 Matthew B. Lerner (admitted *pro hac vice*)
27 Georgia Bar No. 446986
28 NELSON MULLINS RILEY &
SCARBOROUGH LLP
201 17th Street, NW / Suite 1700
Atlanta, GA 30363
Telephone: 404.322.6000
Facsimile: 404.322.6050
richard.north@nelsonmullins.com
matthew.lerner@nelsonmullins.com

*Attorneys for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products
Liability Litigation,

No. 2:15-MD-02641-DGC

**THE PARTIES' JOINT REPORT
ON THE SETTLEMENT STATUS
OF CASES**

1 Pursuant to Case Management Order No. 42 (Doc. 164343), the parties submit this
2 monthly report concerning the settlement status of cases pending in this MDL:

3 **I. TRACK 1 CASES**

4 On July 26th, the parties provided the Court with a list of cases that have been
5 resolved in principle pursuant to an executed release or term sheet (Doc. 19798-1). The
6 following case was listed erroneously on Track 1 and should be moved to Track 3:

- 7 • Justin Peterson v. C. R. Bard, Inc., et al, Civil Action No. CV-16-00774-PHX-DGC

8 For the balance of the cases on Track 1 the parties are continuing their efforts to
9 finalize the settlements and the parties have begun filing dismissals.

10 **II. TRACK 2 CASES**

11 On July 26th, the parties provided the Court with a list of cases that are the subject
12 of substantive settlement negotiations, with a likelihood of ultimately settling (Doc. 19798-
13 2). On September 24, 2019, the parties filed their Joint Report on the Settlement Status of
14 Cases (Doc. 200061) with a list of cases from Track 2 that should be moved to Track 3.
15 Since the last status report, no other cases presently in Track 2 have been designated to
16 move to Track 3.

17 Settlement discussions are continuing in the remaining cases previously identified in
18 Track 2. Since the date of the last report, the Defendants' attorneys have continued to
19 collect and review medical records for cases that are currently in Track 2, and have had
20 meetings and discussions with multiple attorneys representing the Plaintiffs. Those
21 discussions are ongoing, and the parties remain hopeful that many – if not all – of those
22 cases will ultimately be settled before November 1, 2019, when all cases for which neither
23 a release nor term sheet has been executed will be recommended to the JPML for remand
24 or will be transferred under §1404(a) in accordance with CMO No. 42 .

25 **III. TRACK 3 CASES**

26 In Case Management Order No. 42, the Court stated that “[a]ny case in either track
27 may be removed from the track and from this MDL upon counsel for either side concluding
28 that further settlement efforts in the case are not warranted.” (Doc. 16343 at 6). Counsel

1 for one or both sides has made that determination regarding the single case (Peterson)
2 identified above.

3 The Defendants also request that the remand/transfer order for these cases
4 specifically preserve their right to challenge venue and personal jurisdiction upon remand,
5 as the Court did in the previous remand/transfer order (Doc. 19899).

6 Respectfully submitted, this 1st day of October, 2019.

7 LOPEZ McHUGH, LLP

NELSON MULLINS RILEY &
SCARBOROUGH LLP

9 By: s/ Ramon Rossi Lopez

By: s/ Richard B. North

10 Ramon Rossi Lopez
(admitted *pro hac vice*)
11 CA Bar No. 86361
LOPEZ McHUGH LLP
12 100 Bayview Circle, Suite 5600
Newport Beach, California 92660

Richard B. North, Jr. (admitted *pro hac vice*)
Georgia Bar No. 545599
Matthew B. Lerner (admitted *pro hac vice*)
Georgia Bar No. 446986
NELSON MULLINS RILEY &
SCARBOROUGH LLP
201 17th Street, NW / Suite 1700
Atlanta, GA 30363

13 Mark S. O'Connor (011029)
14 BEUS GILBERT PLLC
701 N 44th Street
15 Phoenix, Arizona 85008

James R. Condo (005867)
Kristine L. Gallardo (033975)
SNELL & WILMER L.L.P.
One Arizona Center
400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202

16 Attorneys for Plaintiffs

Attorneys for C. R. Bard, Inc. and Bard
Peripheral Vascular, Inc.

17
18
19
20
21 **CERTIFICATE OF SERVICE**

22 I hereby certify that on October 1, 2019, the foregoing was electronically filed with
23 the Clerk of Court using the CM/ECF system which will automatically send email
24 notification of such filing to all attorneys of record.

25
26 /s/ Richard B. North
27
28

